

**RHODE ISLAND DEPARTMENT OF LABOR & TRAINING
DIVISION OF PROFESSIONAL REGULATION
MECHANICAL BOARD**

Wednesday, June 1, 2011

In attendance: Dennis Brennan

Timothy Byrne

Stanley Davies, Chairman

Robert Eva

Bobby Joe Harris

Michael Januario

Jack King

Quinlan T. Regan

Edward J. Whittaker, Sr., Chief Investigator

Benjamin Copple, Legal Counsel

The meeting was called to order at 9:09am by Stanley Davies.

Dispensing of the minutes was held until after the hearings.

Hearings:

1.) Paul Dowd / Managed Air Systems (Viol # 4067): Postponed to August.

2.) Wayne Fisher (Viol # 4068): Wayne Fisher and Edward J. Whittaker are sworn in for testimony. Edward J. Whittaker, Senior Chief Mechanical Investigator, read the violation. The date on the violation is 4/8/11. Violation number is 4068. Name of the violator is Wayne Fisher, PO Box 8827, Warwick, RI 02888. Location of the violation was 363 Buttonwoods Avenue, Warwick, RI 02886. It has come to the attention of this department, that Mr. Wayne Fisher of Fisher Heating Service, Inc. has been performing heating service at the above mentioned address. He also has made a proposal to install a Slant Fin Liberty Boiler, Model #L30, a tankless heater with mixing valve, and new expansion tank with air scoop. This was installed June, 2000. According to the tag on the boiler Mr. Fisher has been servicing the heating system since 10-8-03 and changed a mixing valve on or about Feb., 2010. Also, Fisher Heating Service, Oil Burner Service Contract #4 proposed to install a Draft Regulator. This is a violation of RIGL 28-27-5, "Practice for which master or contractor license required" and 28-27-20 "State and municipal inspections and installation permits". Two violations at \$500 each for a total \$1000. Mr. Whittaker addressed the Board. Documents are entered as exhibits into the record: Exhibit A: a letter dated 4/7/11; Exhibit B: Boiler Tag; Exhibit C: Carjon letter dated 3/11/11; Exhibit D: Fisher Heating Service Oil Burner Service Contract; Exhibit F: Fisher Heating Service, Inc. proposal (2 page document) and Exhibit G: letter of complaint from homeowner. The Board Members examined the documents. The Board questions Mr. Whittaker. Mr. Fisher

addressed the Board. The Board questions Mr. Fisher. Timothy Byrne made a motion that Violation 4068 did occur; seconded by Robert Eva and passed by the Board. Timothy Byrne made a motion that the original fine for Violation 4068 of \$1,000.00 be upheld; seconded by Quinlan T. Regan and passed by the Board. Mr. Fisher inquires as to how to obtain his license. Mr. Whittaker advises Mr. Fisher of the process.

3.) Steve Fontes (Viol # 4073): Steve Fontes, Lisa Fontes and Edward J. Whittaker are sworn in for testimony. Edward J. Whittaker reads the violation: Date, April 15, 2011; violation number 4073; name of violator, Steve Fontes, Fireplace Specialties, Inc., 6 Long Lane, North Kingstown, RI 02852. Violation: An installation of a gas log was done by Steve Fontes of Fireplace Specialties at the above mentioned address on or about August 19, 2009. After checking with the Cumberland Mechanical Office they notified me that no mechanical permit was taken out for the installation. Also, the gas connection was done by Mr. Fontes. Mr. Fontes does not hold a pipefitters license to do the connection. There are two violations. RIGL 28-27-20 "State and municipal inspections and installation permits" and RIGL 28-27-28 "Practice for which a license is required". Two violations at \$500 each. Total \$1000. Mr. Whittaker addressed the Board. The Board questions Mr. Whittaker. Steve Fontes addressed the Board. The Board questions Mr. Fontes. Lisa Fontes addressed the Board. A copy of the bill is marked Exhibit A. The bill submitted to the Attorney General's Office by the consumer is marked Exhibit B.

Questioning by the Board continues. Timothy Byrne made a motion that based on the evidence provided today there is no clear evidence of a violation of either 28-27-28 – Practice for which a license is required, or 28-27-20 State and municipal inspections and installation permits; seconded by Quinlan T. Regan and Dennis Brennan and passed unanimously by the Board. The Board finds no violation.

End of hearings.

Bobby Joe Harris made a motion to accept the minutes to previous meeting; seconded by Quinlan T. Regan and passed unanimously by the Board.

Edward J. Whittaker informed the Board that there would be no meeting held on July 6, 2011.

Timothy Byrne made a motion to accept the minutes of the October 6, 2010 meeting; seconded by Dennis Brennan and passed unanimously by the Board.

There were no reviews today.

Michael Januario made a motion to adjourn; seconded by Robert Eva and passed unanimously by the Board.

The meeting adjourned at 9:53am.

The next meeting is scheduled for Wednesday, August 3, 2011 at 9:00am.